



Report to Leader (Transport portfolio)

Decision Date:	9 July 2021
Reference number:	TR11.21
Title:	Castle Street, Marsh Gibbon, Traffic Calming build out
Relevant councillor(s):	Councillor Steve Broadbent
Author and/or contact officer:	Ian Sharp Highways DM Team Leader Delivery Ian.Sharp@buckinghamshire.gov.uk
Ward(s) affected:	Grendon Underwood;
Recommendations:	It is recommended that the Leader approves the build out as approved through the planning process and subsequently approved through detailed technical approval procedure conducted by Highways Development Management.
Reason for decision:	The build out is condition (12) of the outline planning permission (17/01248/AOP) and has received no objections to the subsequent consultation, required as part of the Highways (Traffic Calming) Regulations 1999 .

1. Executive summary

- 1.1 Buckinghamshire Council, in conjunction with Deanfield Homes Ltd proposes to install a traffic calming measure in the publicly maintained section of Castle Street, Marsh Gibbon. The works will consist of a build out and tactile crossing point on Castle Street which will be located approximately opposite the vehicular entrance to Marsh Gibbon C Of E School. The planning process does not consult all of the consultees required to satisfy the [Highways \(Traffic Calming\) Regulations 1999](#). This consultation is to ensure that the Council complies with the regulations.

2. Content of report

- 2.1 Outline Planning Permission reference number 17/01248/AOP secured the works that are to be conducted under a S278 Agreement, this includes detailed design, consultation and if appropriate, the delivery of the traffic calming in Marsh Gibbon.
- 2.2 Under the [Highways \(Traffic Calming\) Regulations 1999](#) the Highway Authority shall consult the chief of police for the area along with such persons or organisations who use the highway or who are otherwise likely to be affected by the traffic calming work as the highway authority thinks fit. The list of consultees has been uploaded for viewing.
- 2.3 No formal objections were received during the consultation stage although two responses were received, which have been uploaded for viewing.

3. Other options considered

- 3.1 The traffic calming scheme was proposed by way of mitigation to the development. No alternative has been considered.

4. Legal and financial implications

- 4.1 There will be no direct financial resource implications because the consultations and highway works are to be funded by the developer.
- 4.2 The Council's main powers in relation to provision of Traffic calming are set out in the [Highways Act 1980](#) ("the Act"). Section 90G of the Act allows a traffic authority to traffic calming measures roads on which they are the traffic authority.

Before carrying out such works, the highway authority is required under section 4 of the [Highways \(Traffic Calming\) Regulations 1999](#) to consult the chief officer of police about the proposal and to consult such person or organisations representing persons who use the highway or who are otherwise likely to be affected by the works as the highway authority thinks fit.

- 4.3 It has been held by the courts that to be effective, a consultation must meet the following tests:
 - the consultation must be at a time when proposals are still at a formative stage;
 - the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
 - adequate time must be given for consideration and response; and
 - that the product of the consultation must be conscientiously taken into account in finalising any statutory proposals.

It would appear from the content of this report and the background documentation that the above tests were met in this instance.

5. Corporate implications

5.1 All works including this consultation are funded by the developer.

6. Local councillors & community boards consultation & views

6.1 The main consultation for this scheme was conducted as part of the planning permission.

7. Communication, engagement & further consultation

7.1 There is no further communication, engagement or consultation proposed.

8. Next steps and review

8.1 All Consultees will receive the outcome in either the manner in which they contacted us or via email.

9. Background papers

- [Outline Planning Consent 17/01248/AOP](#)
- [Planning Drawing SK001 B](#)
- List of statutory consultees for this scheme
- BC Consultation Letter
- NB 27 Priority Narrowing Castle Street Marsh Gibbon Bucks (TVP Response)
- 2021-05-27 A2036 FSD38 MIK (Bucks Fire & Rescue Response)

10. Your questions and views (for key decisions)

10.1 If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the cabinet member to consider please inform the democratic services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk.